



REGULAR CITY COUNCIL MEETING AGENDA
DECEMBER 12, 2017
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

I. ROLL CALL AND CALL TO ORDER BY MAYOR

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, Mayor Pro Tem
- ✓ Gayle White, SMD 2
- ✓ Dale Sturgeon, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Fritz Quast, City Attorney

II. INVOCATION by Father Christopher Woodall, Church of the Holy Comforter

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

☆ Presentation – STARS Award for October 2017 – Colton Bedford, Police Department

V. CITY SECRETARY READS THE [GUIDELINES](#) TO SPEAK BEFORE COUNCIL

VI. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns not posted on the agenda.

CONSENT ITEMS

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

M1. APPROVAL OF MINUTES FOR THE [NOVEMBER 14, 2017](#) COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING RENEWAL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR 2018 TO RICK'S WRECKER SERVICES FOR WRECKER SERVICES; PROVIDING FOR PLACEMENT ON POLICE ROTATION LIST.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Rick's Wrecker Service is requesting the renewal of a Certificate of Public Convenience & Necessity to provide wrecker services in the City of Cleburne for the year 2018 and placement on the Police Rotation List. All required applications, inspections, certificates and fees have been submitted as required.

RS2. A RESOLUTION AUTHORIZING RENEWAL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR 2018 TO LONESTAR COLLISION & TOWING FOR WRECKER SERVICES; PROVIDING FOR PLACEMENT ON POLICE ROTATION LIST.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Lonestar Collision & Towing is requesting the renewal of a Certificate of Public Convenience & Necessity to provide wrecker services in the City of Cleburne for the year 2018 and placement on the Police Rotation List. All required applications, inspections, certificates and fees have been submitted as required.

RS3. A RESOLUTION TERMINATING TAX ABATEMENT AGREEMENT WITH JOHNS MANVILLE CORPORATION GRANTED ON JANUARY 24, 2017 BY ORDINANCE OR01-2017-05, AS REQUESTED BY MICHAEL CAMPBELL WITH JOHNS MANVILLE.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: At a meeting of the City Council on January 24, 2017, Johns Manville Corporation (JM) was granted a tax abatement for a capital improvements project totaling \$82.6 million. Under the terms of the agreement, improvements were to be completed by January 1, 2018. Upon reevaluation by Johns Manville, it was their determination that economic conditions are not favorable for such an expansion at this time, and subsequently they are requesting that the Tax Abatement Agreement be terminated now rather than risk being in violation of the terms of the agreement later. Consequently, Johns Manville has stated their desire for such a tax abatement request and new agreement to be reconsidered at a future date that is yet to be determined.

RS4. A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM FAÇADE IMPROVEMENT AGREEMENT WITH ATG DESIGN GROUP FOR PROPERTY LOCATED AT 10 & 12 N CADDO ST, AS REQUESTED BY DENA DAY.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: ATG Design Group, LLC has submitted an application under the terms of the City's Façade Improvement program seeking to re-paint exterior street-facing facades and replace front awnings on the two buildings located at 10 & 12 N. Caddo St. The businesses currently occupying these buildings are Pack 'N Mail, Day Accountants, and Webb Shoe Repair. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for street-facing improvements is \$11,740; therefore \$5,000 would be the maximum match by the City.

OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF NOVEMBER 2017.

Person presenting this item: Terry Leake, Director of Finance

OC2. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, J & J MORRIS ADDITION (BEING 1.0 ACRE TRACT IN THE CITY'S ETJ, DENTON DARBY SURVEY), AS REQUESTED BY DEBRA & JOE MCCOY AND JACQUELINE LATSON; REPRESENTED BY JIMMY POGUE.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: The purpose for this final plat of the J&J Morris Addition is to create one new single-family residential lot in the city's extraterritorial jurisdiction. The Comprehensive Land Use Plan identifies this property as Traditional Neighborhood District. P&Z considered this at its November 27, 2017 meeting and recommended approval by a vote of 4-0.

OC3. APPROVE REPLAT OF LOT 1R, BLOCK G, OAK GROVE PLACE (BEING 0.292 ACRE TRACT, AT 1201 STANWOOD AVE), AS REQUESTED BY ROBERT & MARILYN BRUCHMANN.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: The purpose for this replat is to combine three lots into one with the intent to construct a new single-family home. The Comprehensive Land Use Plan identifies this property as Preservation District. P&Z considered this item at the November 27, 2017 meeting and recommended approval by a vote of 4-0.

BIDS & QUOTES

BQ1. AUTHORIZE PURCHASE OF A 2017 FORD F350 AEV TYPE 1 AMBULANCE FROM PROFESSIONAL AMBULANCE (THROUGH BUYBOARD CONTRACT #492-15) FOR AN AMOUNT NOT TO EXCEED \$197,914.50.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: Staff is requesting approval to purchase a new 2017 Ford F350 AEV Type I Ambulance through Professional Ambulance for the amount of \$197,914.50. This vehicle is new and equipped with the latest patient/crew safety features. This includes a 12ft patient compartment that allows for ample room for crews to treat patients, 12-VDC/120VAC climate control system to ensure medication and patient compartment are kept at ideal temperatures, and a Stryker Power Load and Power Pro patient cot system. Based on the fire department's vehicle requirements, this vehicle meets all required specifications. Professional Ambulance is on BuyBoard - Contract # 492-15, so all competitive purchasing requirements have been met. This new ambulance will replace existing Unit 2514, a 2003 F350 Ambulance with 115,740 miles on it. The existing ambulance will be sold at auction once the newly purchased unit is delivered and placed in service.

RESOLUTIONS

RS5. A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH RAINTREE HOMES, INC THROUGH THE RESIDENTIAL DEVELOPMENT INCENTIVE PROGRAM FOR DEVELOPMENT OF BELLE MEADOWS PHASE III.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: This agreement would provide Raintree Homes, Inc. with incentives to develop Belle Meadows Estates Phase III, a residential subdivision and is authorized under the 1000 Homes Incentive Program approved by Council in 2015.

Raintree Homes will construct 34 high quality homes with agreed upon standards listed in the agreement.

The agreement will provide an ad valorem tax rebate to Raintree Homes, Inc. for each home built

in Phase III for 5 years and waive development and inspection fees as offered in the 1000 home program. In return, Raintree Homes will build a housing development of similar quality as in Belle Meadows Estates Phase I. The tax abatement also creates an incentive to construct the homes quickly calling for the construction of 10 homes per year.

RS6. A RESOLUTION AUTHORIZING CONTRACT WITH CHARTER MATRIX GROUP, INC, A SOLE SOURCE PROVIDER, FOR A NEW AIR SUPPORTED DOME COVER AND ASSOCIATED ACCESSORIES FOR COMPETITION POOL AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$110,900.

Person presenting this item: Burton Barr, Director of Parks & Recreation

BRIEF: This purchase will replace the air-supported dome at Splash Station and LED lighting inside the dome. On December 7, 2017, the dome was vandalized and was determined by the manufacturer and the Texas Municipal League to be a complete loss. Charter Matrix Group, Inc is a sole source vendor, and the only vendor that can supply this product to our specifications. Charter Matrix Group Inc will construct the new dome by using 31oz fabric on 71" wide horizontal panels with 3" wide structural welds. The cost for the new dome is anticipated to be \$96,000. This type of manufacturing makes the structure 5X stronger than a vertical panel construction. Additionally, eight new LED pole mount quad assemblies will be purchased and mounted on existing poles and bases for a cost of \$11,200.

ORDINANCES

OR1. AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS, CHAPTER 50: GARBAGE AND TRASH OF THE CODE OF ORDINANCES BY AMENDING COMMERCIAL CONTAINER ENCLOSURE REQUIREMENTS AND UPDATING RATES PER THE WASTE CONNECTIONS SERVICES CONTRACT.

Person presenting this item: Keith Fisher, Director of Public Works

BRIEF: On October 10, 2017, the Cleburne City Council approved a rate adjustment with Waste Connections (dba Progressive Waste Solutions) in the amount of 1.85% on both the commercial refuse collection rate and the rate paid by the City to remove solid waste from the transfer station. This increase will take effect on January 1, 2018.

Also, the dimensions for dumpster enclosures should be changed to better reflect actual dumpster sizes. The current code requirement for enclosures is 15' x 18'. The largest dumpster offered by Waste Connections is 5½' x 7½'. This extra space is allowing a lot of excess room within the enclosure that some business owners are using as storage space or allowing excess waste to build up which is becoming a nuisance and public health concern.

OR2. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154: SUBDIVISIONS, SECTION 154.045 EASEMENT STANDARDS TO INCLUDE SECTION 154.045 (E): MUTUAL ACCESS EASEMENTS.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: The City of Cleburne has initiated an amendment to Section 154.045 of the City's Subdivision ordinance to include a requirement for mutual access easements. Should this amendment be approved, the requirement will be applicable to commercially zoned properties abutting, and that may derive access from a collector street or arterial street as shown on the Master Thoroughfare Plan.

The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.

The proposed amendment will require mutual access easements to run the full width of the adjoining properties fronting the roadway. The minimum width of the easement will be 24 feet. Staff has included a provision to allow the Director of Public Works to grant administrative approval for alternative layouts as needed due to unique lot shape, or other unique circumstances that may arise.

The Planning and Zoning Commission considered this at the November 27, 2017 meeting and recommended approval by a vote of 4-0.

OR3. AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF FIVE ACRES OF TRACT 7, ABSTRACT 124 OF THE C. CHANEY SURVEY AND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF BOONE AND BLAKNEY STREETS INTO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY, AND GRANTING TO ALL THE INHABITANTS ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; ADOPTING A SERVICE PLAN; PROVIDING AN EFFECTIVE DATEVOLUNTARY ANNEXATION OF ALL PORTIONS OF FIVE ACRES OF TRACT 7, ABSTRACT 124 OF C. CHANEY SURVEY LOCATED AT THE SOUTHEAST CORNER OF BOONE AND BLAKNEY STREETS.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: A petition has been filed with the City stating that the owners of a five-acre tract of land at the southeast corner of Boone and Blakeny Streets, contiguous to the City of Cleburne, request that the property be annexed and become part of the City pursuant to Section 43.028 of the Texas Local Government Code. Pursuant to Section 43.063 of the Texas Local Government Code, the City Council is required to hold two public hearings before it may initiate annexation proceedings for the property and those were held on November 7 and November 14, 2017.

OR4. *PUBLIC HEARING* AN ORDINANCE REZONING 1.82 ACRES (LOCATED AT 201 AND 205 W HARRELL ST) FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO C2 (GENERAL BUSINESS DISTRICT); AS REQUESTED BY JOHNSON COUNTY.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to accommodate a future maintenance shop for Johnson County Public Works. The subject property is currently undeveloped and the surrounding land uses are both commercial and limited residential. The Comprehensive Land Use Plan designates the subject properties as Downtown TDA and Preservation districts. Institutional/Civic land uses are appropriate within both Land Use Districts. P&Z considered this item at the October 23, 2017 meeting and recommended approval by a vote of 4-2.

At the November 14, 2017 City Council meeting, the Council moved to continue the public hearing to the December 12, 2017 meeting to allow the applicant to provide additional information.

OR5. *PUBLIC HEARING* AN ORDINANCE REZONING +/- 2.7 ACRES (LOCATED AT 206 S NOLAN RIVER RD) FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND T (TOWNHOUSE DISTRICT) TO D (DUPLEX DWELLING DISTRICT); AS REQUESTED BY EDIE HANNA, REPRESENTED BY ROSS CALHOUN.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to rezone a portion of 206 S. Nolan River Rd. The applicant is requesting the D

(Duplex Dwelling District) zoning to permit the construction of duplex housing on the remainder of the subject property. The Comprehensive Land Use Plan shows this area to be in the City Center West District. The proposed use is not consistent with the City Center West Districts appropriate uses. P&Z considered this at their November 27, 2017 meeting and reached a tie vote of 2-2, on a motion to approve as presented.

OR6. *PUBLIC HEARING* AN ORDINANCE REZONING 0.8617 ACRE TRACT (LOCATED AT 206 WESTHILL DR, 205 W EARL ST, 703-705 S HILLSBORO ST AND 704 S MILL ST) FROM C1 (LOCAL BUSINESS DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO M1 (LIGHT INDUSTRIAL DISTRICT); AS REQUESTED BY JOHNNIE MAE BRADDOCK, REPRESENTED BY CHAD NORRIS.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request with the intent to construct self-storage warehouses. The Comprehensive Land Use Plan shows this area to be in the Downtown Targeted Development Area (TDA) District. The proposed request to Light Industrial is not an appropriate use in the Downtown TDA District. P&Z considered this item at their November 27, 2017 meeting and recommended approval by a vote of 4-0.

OR7. *PUBLIC HEARING* AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT DISTRICT OF A 1.5 ACRE TRACT (LOCATED AT 305 S ANGLIN ST); AS REQUESTED BY HOWARD & SHERRY DUDLEY FOUNDATION, REPRESENTED BY AARON SILER.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to amend the Planned Development (PD) (OR08-2011-45) at 305 South Anglin Street to add the following land uses as permitted uses on the subject property:

1. Multi-use Event Center
2. Theater or Indoor Playhouse

The original Planned Development (PD) for the subject property was approved by City Council in August 2011. This PD permitted the Liberty Events Center. At this time, the Plaza Theatre Company has acquired the building and plans to construct a 271-seat "Theatre in the Round" within the current building. The applicant has not requested any alterations to the exterior of the building, or any additional requests outside of including the proposed land use listed above. The Comprehensive Land Use Plan shows this area to be in the Downtown Targeted Development Area and the Preservation District, and the proposed use is an appropriate use in these districts. P&Z considered this item at their November 27, 2017 meeting and recommended approval by a vote of 4-0.

OR8. *PUBLIC HEARING* AN ORDINANCE REZONING 0.31 ACRE TRACT (LOCATED AT 1001 E HENDERSON ST) FROM D (DUPLEX DWELLING DISTRICT) TO C3 (COMMERCIAL DISTRICT); AS REQUESTED BY JUANA FRIGOLET, REPRESENTED BY LAURA & CESAR CERVANTES.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to rezone a portion of 1001 E. Henderson St. in order to create continuity across the entire property. The Comprehensive Land Use Plan identifies this area as Central Corridor District, and the proposed land use is consistent with this District. P&Z considered this item at their November 27, 2017 meeting and recommended approval by a vote of 4-0.

OR9. *PUBLIC HEARING* AN ORDINANCE REZONING 5.0 ACRES (LOCATED AT

SOUTHEAST CORNER OF BOONE ST & BLAKNEY ST) FROM IH (INTERIM HOLDING DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT); AS REQUESTED BY COLBY GARZA.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request with the intent to develop 10 single-family homes on the subject property. This zoning application is in conjunction with a Petition for Voluntary Annexation. The proposed adoption of the annexation ordinance is scheduled for the December 12, 2017 City Council meeting. P&Z considered this item at the November 27, 2017 meeting and recommended approval by a vote of 4-0.

OR10. *PUBLIC HEARING* AN ORDINANCE REZONING 100.333 ACRES (LOCATED WEST OF S NOLAN RIVER RD AND NORTH OF COUNTRY CLUB RD) FROM A (AGRICULTURAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT); AS REQUESTED BY JOSEPH AND CHRISTOPHER SAWICKI, REPRESENTED BY MARK ALLEN.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request in order to market the property for residential use. The Comprehensive Land Use Plan shows this area to be in the Village and Community Commercial Districts. The proposed use is consistent with the Village District but not the Community Commercial District. P&Z considered this item at their November 27, 2017 meeting and recommended approval by a vote of 4-0.

OR11. *PUBLIC HEARING* AN ORDINANCE AMENDING TITLE III: ADMINISTRATION, CHAPTER 30: CITY GOVERNMENT, SECTION 30.06 MASTER PLANS ADOPTED, BY ADOPTING A REVISED THOROUGHFARE PLAN KNOWN AS THE “2017 MASTER THOROUGHFARE PLAN”.

Person presenting this item: Keith Fisher, Director of Public Works

BRIEF: This thoroughfare plan amendment realigns the location of Ridgeway Drive to extend north from Woodard Avenue to US 67. The current plan terminates Ridgeway Drive to intersect with Brookhaven Street at Nolan River Road. A connection to Nolan River and (realigned) Ridgeway will be maintained via a connection extending from Brookhaven Street.

The proposed realignment will provide additional access and circulation opportunity with emerging development between Kilpatrick Avenue, such as the Cleburne Station area development. This arterial connection will provide additional accessibility to Henderson Street (Bus US67), balance vehicular network flow, and provide connectivity/back access between existing neighborhoods to new development along the US 67 corridor.

The proposed realigned Ridgeway Drive will maintain its functional classification as a Minor Arterial with a 90-foot right-of-way and ultimate roadway section including four travel lanes. The connection between Ridgeway and Nolan River is recommended as a Minor Collector with 60-foot right-of-way and two travel lanes.

In 2008, Kimley-Horn and Associates, Inc. (KHA) was retained by the City of Cleburne to provide transportation planning services to analyze the City's existing and proposed roadway thoroughfare system. Based upon the analysis of the existing, future projected 2015, and 2030 thoroughfare systems, KHA developed the 2008 Master Thoroughfare Plan and prioritized the City's future arterial widening and other capacity improvement projects.

OTHER COUNCIL MATTERS

OC4. APPROVE REPLAT OF LOT 1R AND LOT 1, BLOCK 1, SHAGEE TRAILS FARM (BEING 7.238 ACRE TRACT, LOCATED IN THE CITY'S ETJ AT 809 CR 426 AND 2724 CR 316B), AS REQUESTED BY BRENT & SHERRY TIPTON, LOUIS COCHRAN, AND ELLEN COREY.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: The purpose for this replat is to subdivide one lot into two with the intent of constructing a new single-family home on Lot 1R, Block 1. The Comprehensive Land Use Plan identifies this property as Sustainable Communities District. P&Z considered this item at the December 11, 2017 meeting.

OC5. BOARD AND COMMISSION APPOINTMENTS AND REAPPOINTMENTS.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: The Board and Commission Committee has met and reviewed applications for potential candidates and is prepared to make recommendations to the City Council. The terms will run from December 2017 – December 2019. Each candidate has been contacted and is willing to serve if appointed.

Reappointments	Appointments
Dale Sturgeon, 4B	David Johnson, Airport
John Warren, 4B	Blair Herzig, Animal Shelter
Gayle White, 4B	Barbara Elaine, Library
Russell Gibson, Airport	Cynthia Burden, Library
Cliff Holden, Airport	Sandra Tinley, MD, Museum
	Ron Layland, Museum
	Shane Atkins, Parks and Recreation
	Robert Bruchman, ZBA

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

A. § 551.071. Consultation with Attorney; Closed Meeting A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

1. Pending litigation: *Nadia Fuller v. City of Cleburne*, Cause No. DC-C201700524 in the

249th District Court of Johnson County, Texas

2. Pending litigation: *Sandra Y. Overstreet v. City of Cleburne*, Cause No. DC-C201700695 in the 413th Judicial District Court, Johnson County, Texas

B. §551.072. Deliberation Regarding Real Property; Closed Meeting. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

1. Discuss what action, if any, to take regarding disposition of city-owned property at 802 N Granbury St (former gas station/auto repair facility) and 220 S Ridgeway Dr (former fire station)

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: